

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 14, 2023

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

BRIAN W.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:23-cv-00043-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 8, 14

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 14, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Cory Brandt represents Plaintiff. Attorney David Burdett represents Defendant.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing;
- 9 • Take any further action necessary to develop the record;
- 10 • Reevaluate the medical evidence and prior administrative medical
11 findings;
- 12 • Call a vocational expert to clarify the effect of the assessed limitations
13 on the claimant's ability to perform work;
- 14 • Reevaluate the testimonial evidence; and
- 15 • Issue a new decision.

16 *See* ECF No. 14 at 1-2.

17 3. Judgment shall be entered for **PLAINTIFF**.

18 4. Plaintiff's Opening Brief, **ECF No. 8**, is **STRICKEN AS MOOT**.

19 5. Upon proper presentation, this Court will consider Plaintiff's application
20 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED August 14, 2023.

4 s/Mary K. Dimke
5 MARY K. DIMKE
6 UNITED STATES DISTRICT JUDGE
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